



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Darrell R. ANDERSON et al.

Group Art Unit: 1644

Application Serial No. 09/576,424

Examiner: Phillip Gambel

Filed: May 22, 2000

Title: IDENTIFICATION OF UNIQUE BINDING INTERACTIONS BETWEEN CERTAIN ANTIBODIES AND THE HUMAN B7.1 AND B7.2 CO-STIMULATORY ANTIGENS

September 22, 2004

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**DECLARATION OF BIOLOGICAL DEPOSIT
IN COMPLIANCE WITH THE BUDAPEST TREATY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Thomas A. Cawley, Jr., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Biogen Idec, Inc., the successor of the assignee of the application.

2. Biogen Idec, Inc. is the successor of IDEC Pharmaceuticals Corporation, the assignee of the above-identified patent application as evidenced by an assignment from the inventors that was recorded in the U.S. Patent and Trademark Office on September 20, 2000, at Reel No. 010964, Frame No. 0039.

3. The following two hybridoma cell lines, described in the specification of the above-identified application, were deposited with the American Type Culture Collection (ATCC), currently located at 10801 University Boulevard, Manassas, VA 20110-2209, under the terms of the Budapest Treaty:

Hybridoma 7C10 having ATTC Accession No. 12117, deposited on May 29, 1996.

Hybridoma 16C10 having ATTC Accession No. 12119, deposited on May 29, 1996.

4. The ATTC is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PILLSBURY WINTHROP, LLP

By



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TAC/CCR/sm



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-6520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

RECEIVED
JUN 24 1996

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

IDEC Pharmaceuticals Corporation
Attn: Kenneth J. Woolcott, Esq.
11011 Torreyana Road
San Diego, CA 92121

Peter
Brams

Deposited on Behalf of: IDEC Pharmaceuticals Corporation

Identification Reference by Depositor:

ATCC Designation

Chinese hamster ovary 7B6-9E11
Chinese hamster ovary 18C10-7B7
Human EBV transformed B cell line RF-2
Hybridoma 7C10
Hybridoma 20C9
Hybridoma 18 C10
Hybridoma 7B6

CRL-12113
CRL-12114
CRL-12116
HB-12117
HB-12118
HB-12119
HB-12120

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received May 29, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested June 12, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Halley
Barbara M. Halley, Administrator, Patent Depository

Date: June 20, 1996